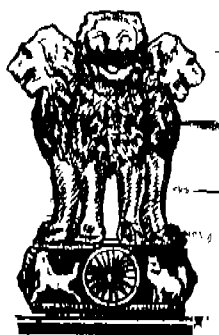


The Gazette



of India

PUBLISHED BY AUTHORITY

No. 30]

NEW DELHI, SATURDAY, JULY 23, 1949

NOTICE

The undermentioned Gazettes of India Extraordinary were published during the week ending the 20th July 1949 :—

S No	No and Date	Issued by	Subject
1	No 14 (33)-Cus 49 I, dated the 21st July 1949	Ministry of Rehabilitation	Specifying 31st December 1947 for the purposes of sub-section (2) of section 15 of Ordinance No XII of 1949 in its application to the Provinces of Ajmer Merwara and Delhi.
2	No 14 (33) Cus/49/II, dated the 21st July 1949	Ditto	Specifying 15th August 1947 for the purposes of sub-section (2) of section 25 of Ordinance No, XII of 1949 in its application to the Provinces of Ajmer-Merwara and Delhi.
3	No I (36) dated the 5th July 1949	Ditto	Possession of and control over certain evacuees' properties in the Province of Delhi.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of this Gazette.

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PART I—Section 1

Government of India Notifications relating to Rules, Regulations and Orders, and Resolutions (other than the Ministry of Defence)

CONSTITUENT ASSEMBLY OF INDIA

New Delhi, the 18th July 1949

No. OA/8/Ser/49.—Mr. Mohd. Hifzul Rahman, M.L.A., has been duly elected as a representative of the United

Provinces in the Constituent Assembly of India vice Mr. S. M. Rizwan Allah, resigned.

S. N. MUKERJEE, Joint Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 18th July 1949

No. F. 7/18/49-Ests.—In exercise of the powers conferred by section 241 of the Government of India Act, 1935, the Governor-General is pleased to direct that the following further amendment shall be made in the Rules published with the notification of the Government of India

in the late Home Department, No. F. 9-19/30-Ests., dated the 27th February 1932, namely:—

In the Schedule annexed to the said Rules, under the head "Department of Communications" and the sub-head "Indian Posts and Telegraphs Department", under the heading "B. Posts", for the entries relating to the Superintendents of Offices of Heads of Circles, Grade B, the following entries shall be substituted, namely—

"Superintendents of offices of Heads of Circles and Telephone Districts—all grades."	Head of Circle; General Manager or District Manager.	Head of Circle; General Manager or District Manager.	All	Director General."
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C. B. GULATI, Under Secy.

New Delhi, the 15th July 1949

No. 16/10/48-Public.—The Table of Precedence published in the Ministry of Home Affairs Notification No. 16/10/48-Public, dated the 16th October, 1948, is amended as follows:—

- (i) In Article 7.—Add the entry "Visiting High Commissioners for India".
- (ii) In Article 10.—Delete the entry "Financial Commissioners".
- (iii) In Article 18.—Add the entry "Financial Commissioners".

New Delhi, the 18th July 1949

No. 4/2/49-P.I.—In exercise of the powers conferred by section 3 of the Registration of Foreigners Act, 1939

(XVI of 1939), the Central Government is pleased to direct that the following further amendments shall be made in the Registration of Foreigners Rules, 1939, the same having been previously published as required by the said section, namely:—

In the said Rules—

- (i) for the words "all the Provinces of India" wherever they occur the words "the whole of India" shall be substituted; and
- (ii) for the words "the Provinces of India" wherever they occur the word "India" shall be substituted.

PATEH SINGH, Dy. Secy.

MINISTRY OF STATES

New Delhi, the 8th July 1949

No. 167-J.—Whereas the Central Government has full and exclusive authority, jurisdiction and powers for, and in relation to, the governance of Bilaspur.

And whereas it is expedient to consolidate and amend the law relating to Courts in Bilaspur.

Now, therefore, in exercise of the powers conferred by sections 3 and 4 of the Extra-Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Orders.—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Order may be called the Bilaspur (Courts) Order, 1949.

(2) It extends to the whole of Bilaspur.

(3) It shall come into force at once.

2. Definitions.—In this Order, unless there is anything repugnant in the subject or context,—

- (i) "Chief Commissioner" means the Chief Commissioner of Bilaspur;

(ii) "District Court" means the Court of the District Judge and includes the Court of the Additional Judge;

(iii) "Bilaspur" means the area comprised within the territories of the Bilaspur State;

(iv) "Land suit" means a suit relating to land as defined in clause 1 of section 4 of the Punjab Tenancy Act, 1887 (XVI of 1887) or to any right or interest in such land;

(v) "Small cause suit" means a suit of the nature cognizable by a Court of Small Causes under the Provincial Small Cause Courts Act, 1887 (IX of 1887);

(vi) "Unclassified suit" means a suit which is neither a land suit nor a small cause suit; and

(vii) "Value" in relation to a suit means the amount or value of the subject matter of the suit.

CHAPTER II

COURT OF THE JUDICIAL COMMISSIONER

3. Establishment of the Court of the Judicial Commissioner.—On and from the commencement of this Order, there shall be established for Bilaspur a Court to

be known as the Court of the Judicial Commissioner for Bilaspur which shall consist of the Judicial Commissioner and the Additional Judicial Commissioner, if any

4. Appointment of Judicial Commissioner and Additional Judicial Commissioner.—

- (1) The Judicial Commissioner and the Additional Judicial Commissioner, if any, shall be appointed by the Central Government and shall hold office at the pleasure of the Central Government
- (2) No person shall be appointed as the Judicial Commissioner or the Additional Judicial Commissioner who is not qualified to be appointed as a Judge of a High Court under subsection (3) of section 220 of the Government of India Act, 1935, or who was not immediately before the commencement of this Order, the Chief Judge of Bilaspur State.
- (3) Until other provision is made, the Judicial Commissioner for Himachal Pradesh shall also preside over the Court of the Judicial Commissioner for Bilaspur.

5. Casual vacancy in the office of the Judicial Commissioner.—On the occurrence of a vacancy in the office of the Judicial Commissioner, the Additional Judicial Commissioner, if any, shall pending the appointment of the Judicial Commissioner act as the Judicial Commissioner

6. Rank, precedence and responsibility of Judicial Commissioner.—The Judicial Commissioner shall have rank and precedence before the Additional Judicial Commissioner and shall be responsible for the administration of, and generally for the distribution of business of, the Court of the Judicial Commissioner.

7. Exercise of jurisdiction by Judicial Commissioner and Additional Judicial Commissioner.—Subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the Additional Judicial Commissioner, the jurisdiction of the Court of the Judicial Commissioner may be exercised by the Judicial Commissioner or by the Additional Judicial Commissioner.

8. Civil and criminal jurisdiction of the Court of the Judicial Commissioner.—Save as otherwise provided by this Order or any other law for the time being in force, the Court of the Judicial Commissioner shall be the highest civil and criminal court of appeal and revision for Bilaspur

9. Registrar and Ministerial Officers.—

- (1) The Chief Commissioner may appoint a Registrar and the Judicial Commissioner may, with the concurrence of the Chief Commissioner, appoint such other ministerial officers as may be necessary for the administration of justice by the Court of the Judicial Commissioner and for the exercise and performance of the powers and duties conferred or imposed on it by this Order or any other law for the time being in force.
- (2) The Judicial Commissioner may, make rules for delegating to the Registrar such powers and such duties of a judicial, quasi-judicial or non-judicial nature as he deems fit. The Ministerial officers shall exercise such powers and perform such duties of a quasi-judicial or non-judicial nature as the Judicial Commissioner may direct

10. Superintendence and control of Subordinate Courts.—

- (1) The general superintendence and control over all Courts in Bilaspur shall vest in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner.
- (2) In exercise of the power of superintendence and control vested in it, but without prejudice to the generality of such powers, the Court of the Judicial Commissioner may do any of the following things, that is to say:—
 - (a) call for returns;
 - (b) direct the transfer of any suit or appeal from any subordinate Court to any other Court of equal or superior jurisdiction;

(c) make rules and issue general directions and prescribe forms for regulating the practice and procedure of Subordinate Courts,

(d) prescribe forms in which books, entries and accounts shall be kept by the officers of any such Courts.

11. Registers, books and accounts and statements to be kept by Judicial Commissioner.—

- (1) The Court of the Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of the Court and shall forward to the Chief Commissioner such of these registers, books and accounts and such statements of the work done in the Court as may from time to time be required by the Chief Commissioner
- (2) The Court of the Judicial Commissioner shall also comply with such requisitions as may be made by the Central Government or the Chief Commissioner for certified copies of, or extracts from, the records of the Court of the Judicial Commissioner or any Court Subordinate thereto

12. Procedure of the Court of Judicial Commissioner.—Notwithstanding anything contained in the Code of Civil Procedure, 1908, or the Code of Criminal Procedure, 1898, the Court of the Judicial Commissioner shall record evidence and judgments in such manner and prescribe such forms to be used in proceedings before it, as it may direct by rules made by it with the sanction of the Chief Commissioner.

13. Admission and removal of Advocates, Vakils, and Pleaders.—

- (1) The Court of the Judicial Commissioner may subject to such rules as it may with the sanction of the Chief Commissioner make, admit proper persons to be advocates, vakils and pleaders in any Court in Bilaspur and may remove or suspend from practice on reasonable cause any person so admitted; and may authorise such advocates, vakils and pleaders to plead and to act for their clients
- (2) No person other than an advocate, vakil or pleader shall be allowed to plead or to act except that a party to a suit, proceeding or case may appear, plead or act on his own behalf or on behalf of another party where interest is not conflicting with that of such party

14. Seat of the Court of Judicial Commissioner.—The Court of the Judicial Commissioner shall be a court of record and shall sit at Bilaspur or at such other place or places as the Judicial Commissioner may, with the approval of the Chief Commissioner, from time to time, appoint

CHAPTER III

SUBORDINATE COURTS

15. Classes of Courts.—In addition to the Court of the Judicial Commissioner and the Courts of Small Causes established under the Provincial Small Cause Courts Act, 1887 (IX of 1887) and the courts established under any other law for the time being in force, there shall be the following classes of Civil Courts, namely—

- (i) The Court of the District Judge
- (ii) The Court of a Subordinate Judge.

16. Civil Districts and District Judges.—

- (1) For the purposes of this Chapter Bilaspur shall be deemed to be one civil District, and the Chief Commissioner may by notification determine the Headquarters of this District
- (2) The Chief Commissioner shall after consultation with the Judicial Commissioner appoint a person to be the District Judge of the District.

17. Additional District Judges.—

- (1) When the business pending before the Court of a District Judge requires the aid of an Additional Judge or Judges for its speedy disposal the Chief Commissioner may, after consultation with the Judicial Commissioner, appoint such additional District Judges as may be necessary

- (2) An Additional District Judge so appointed shall discharge any of the functions of a District Judge which the District Judge may assign to him and in the discharge of his functions he shall exercise the same powers as the District Judge.

18 Subordinate Judges—

- (1) The Chief Commissioner may, after consultation with the Judicial Commissioner, fix the number of Subordinate Judges to be appointed and if there is a vacancy in that number may subject to the rules, if any made under Sub paragraph (2) appoint such person as is nominated by the Judicial Commissioner to the vacancy.
- (2) The Chief Commissioner may after consultation with the Judicial Commissioner, make rules as to the qualifications of persons to be appointed Subordinate Judges.
- (3) A subordinate Judge may be suspended from office by the Judicial Commissioner subject to the confirmation of the Chief Commissioner and may be removed from office by the Chief Commissioner on the report of the Judicial Commissioner.

19 *The District Court to be principal Civil Court of original jurisdiction*—The Court of the District Judge shall be the principal Civil Court of original jurisdiction in the district.

20 *Original jurisdiction of Civil Courts*—Save as otherwise provided by any other law for the time being in force the Court of the District Judge shall have original jurisdiction in civil suits without limit as regards the value.

21 *Original limits of Subordinate Judges*—The jurisdiction to be exercised in original civil suits as regards the value by any person appointed to be a Subordinate Judge shall be determined by the Chief Commissioner, after consultation with the Judicial Commissioner in such manner as he thinks fit.

22 *Local limits of jurisdiction of Subordinate Judges*—The local limits of the jurisdiction of a subordinate judge shall be such as the Chief Commissioner may, by notification in the official gazette define.

23 Honorary Subordinate Judges—

- (1) The Chief Commissioner may, after consultation with the Judicial Commissioner, appoint any person to be an Honorary Subordinate Judge and may confer on such Judge all or any of the powers conferable under this Order on a Subordinate Judge with respect to any class or suits or with respect to suits generally in any local area and may withdraw or suspend the exercise of any powers so conferred.
- (2) Any person on whom powers are conferred under sub paragraph (1) shall be deemed for the purposes of this Order to be a subordinate Judge.

24 *Small Cause jurisdiction of Subordinate Judges*—The Chief Commissioner may by notification in the official gazette confer within such local limits as he thinks fit on a Subordinate Judge the jurisdiction of a Judge of the Court of the small causes under the Provincial Small cause Courts Act, 1887 (IX of 1887) for the trial of small cause suits upto such value not exceeding rupees five hundred as he thinks fit and may withdraw any jurisdiction so conferred.

25 Exercise by Subordinate Judges of jurisdiction of District Court in certain proceedings—

- (1) The Judicial Commissioner may by general or special order authorise any Subordinate Judge to take cognizance of and any District Judge to transfer to a Subordinate Judge under his control any proceeding or any class of proceedings specified in such order under—
- (a) the Indian Succession Act 1925 (XXXIX of 1925) if the proceedings cannot be disposed of by the District Judge
- (b) the Guardians and Wards Act 1890 (VIII of 1890), or
- (c) the Provincial Insolvency Act 1920 (V of 1920)

- (2) The District Judge may withdraw any such proceedings taken cognizance of by or transferred to a subordinate judge under his control, and may either himself dispose of them or transfer them to a Court under his control competent to dispose of them.

- (3) Proceedings taken cognizance of by or transferred to a Subordinate Judge under this paragraph shall be disposed of by him, subject to the rules applicable to like proceedings in the Court of the District Judge.

26 Place of sitting of Courts—

- (1) The Chief Commissioner may fix the place or places at which any Court constituted under this chapter is to be held.
- (2) The place or places so fixed may be beyond the local limits of the jurisdiction of the Court.
- (3) Save as otherwise provided by an order under this paragraph a Court constituted under this Order may be held at any place within the local limits of its jurisdiction.

27 *Control of Courts by District Judge*—Subject to the general superintendence and control of the Judicial Commissioner the District Judge shall have control over all the Civil Courts within the local limits of his jurisdiction.

28 *District Judge's power to distribute business*—Notwithstanding anything contained in the Code of Civil Procedure 1908 (Act V of 1908) a District Judge may by written order direct that any civil business cognizable by his Court and the Courts under his control shall be distributed among such Courts in such manner as he thinks fit.

Provided that no direction issued under this paragraph shall empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

29 Ministerial Officers of Courts—

- (1) The ministerial officers of the District Court shall be appointed by the District Judge.
- (2) The ministerial officers of Civil Courts under the control of the District Judge, shall be appointed by the District Judge.
- (3) Every appointment under this paragraph shall be subject to such rules as the Judicial Commissioner with the approval of the Chief Commissioner may make in this behalf.
- (4) Any order passed by a District Judge under this paragraph shall be liable to be reversed or modified by the Judicial Commissioner.

30 *Delegation of powers of District Judge and District Court*—A District Judge may with the previous sanction of the Judicial Commissioner delegate to the Judge of any court under his control all or any of the powers conferred on a District Judge by sections 27 and 28 of this Order and on a District Court by section 24 of the Code of Civil Procedure 1908 (Act V of 1908) to be exercised by such Judge in any specified portion of the districts subject to the control of the District Judge.

CHAPTER IV

APPELLATE AND REVISIONARY JURISDICTION IN CIVIL CASES

31 *Appeals from original decrees*—Save as otherwise provided by any law for the time being in force, appeals from decrees of Courts exercising original jurisdiction shall lie as follows—

- (a) From a decree of a Subordinate Judge in a suit of value not exceeding five thousand rupees, to the Court of the District Judge, and
- (b) in all other cases to the Court of the Judicial Commissioner.

Provided that the Judicial Commissioner, with the previous sanction of the Chief Commissioner, may by notification in the Official Gazette direct that appeals lying to the Court of the District Judge from all or any of the decrees passed by a Subordinate Judge in a small cause suit of value not exceeding five hundred rupees or in any unclassified suit or in any land suit of value not exceeding one hundred rupees shall be preferred to such other subordinate judge as may be mentioned in the notification,

and the appeals shall thereupon be preferred accordingly, and the Court of such other Subordinate Judge shall be deemed to be the Court of a District Judge for the purposes of all appeals so preferred.

32 Appeals from appellate decrees—

(1) A second appeal shall lie to the Court of the Judicial Commissioner in any of the following cases from an appellate decree of a District Court on any ground which would be a good ground of appeal if the decree had been passed in an original suit, namely—

- (a) in a small cause suit or unclassified suit
 - (i) if the value of the suit is one thousand rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the District Court varies or reverses, otherwise than as to costs the decree of the Court below, or
 - (ii) if the value of the suit is two thousand five hundred rupees or upwards, or the decree of the District Court involves directly some claim to, or question respecting property of like value;
- (b) in a land suit,
 - (i) if the value of the suit is two hundred and fifty rupees or upwards, or the decree involves directly some claim to, or question respecting, property of like value, and the decree of the District Court varies or reverses otherwise than as to costs the decree of the Court below, or
 - (ii) if the value of the suit is one thousand rupees or upwards, or the decree of the District Court involves directly some claim to, or question respecting, property of like value.

(2) The provisions of Order XXI of the Code of Civil Procedure, 1908 (Act V of 1908) other than rule 35 of the said Order, shall apply, as far as may be, to a second appeal under this paragraph and to the execution of a decree passed on any such appeal.

33 *Finality of appellate decrees of District Court—* Subject to the provisions of paragraphs 32 and 35 of this Order, an appellate decree of a District Court shall be final.

34 Period of limitation—

- (1) The period of limitation for a second appeal under paragraph 32 shall be ninety days from the date of the decree appealed against.
- (2) In computing this period and in all other respects not herein specified the period of limitation of the appeal shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

35 Revisional powers of Court of Judicial Commissioner—

- (1) The Court of the Judicial Commissioner may call for the record of any case which has been decided by a Civil Court subordinate to it and in which no appeal lies to it and
 - (a) if the Civil Court by which the case was decided appears to have exercised a jurisdiction not vested in it by law, or to have failed to exercise a jurisdiction so vested or to have acted in the exercise of its jurisdiction with material irregularity, or
 - (b) if on an application made to it the Court of the Judicial Commissioner is of opinion that there is an important question of law or custom involved and that such question requires further consideration, the Court of the Judicial Commissioner may make such order in the case as it thinks fit.

Provided that—

- (i) no application under sub-paragraph (b) shall be admitted after the expiration of ninety days from the date of the Order in respect of which the application is made unless the applicant

satisfies the Court of the Judicial Commissioner that he had sufficient cause for not making the application within that period;

- (ii) no such application shall be admitted in a small cause suit under the value of one thousand rupees or in an unclassified suit under the value of two hundred rupees;
- (iii) on any such application the Court of the Judicial Commissioner shall not revise the decision of the Court below except in so far as such decision involves the question of law or custom in respect of which the application has been admitted; and
- (iv) when any such application has been admitted, the Court of the Judicial Commissioner shall subject to proviso (iii) treat the matter of the application as if it were an appeal.

Explanation.—A question of procedure is not a question of law or custom within the meaning of sub-paragraph (b).

(2) In computing the period of limitation mentioned in proviso (i) of sub-paragraph (1) and in all other respects not herein specified the period of limitation of the application shall be governed by the provisions of the Indian Limitation Act, 1908 (IX of 1908).

(3) Section 115 of the Code of Civil Procedure 1903 (Act V of 1908) shall not apply to Bilaspur.

36 Court-fee payable on revision.—

- (1) The Court-fees payable on applications to the Court of the Judicial Commissioner for the exercise of its jurisdiction under paragraph 35 shall be the same as those for the time being payable on like applications to the High Court of Judicature for the East Punjab.
- (2) If the Court of the Judicial Commissioner, on an application in respect of which the fee payable under sub-paragraph (1) has been paid, sets aside or modifies a decree or order of the Court below or remands the case for a fresh decision, the Court of the Judicial Commissioner may grant to the applicant a certificate authorising him to receive back from the Chief Commissioner of Bilaspur, the full amount of such fee or such part thereof as the Court, having regard to the circumstances of the case, may think fit.

CHAPTER V

SUPPLEMENTAL PROVISIONS

37 *Seal*—Every Court constituted under this Order shall use a seal of such form and design as are prescribed by the Chief Commissioner.

38 *Temporary vacancies of the office of District Judge.*—In the event of the death of a District Judge or on his being prevented from performing his duties by illness or other cause or of his absence from the Civil District on leave, the Additional District Judge, if any, in the District, or where there is no such Additional District Judge the first in rank of the Subordinate Judges shall assume charge of the District Court, without interruption to his ordinary jurisdiction, and while so in charge, shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated as the Additional District Judge, or the Subordinate Judge, as the case may be, in charge of the District and shall continue in such charge until the office of the District Judge has been resumed or assumed by an Officer duly appointed thereto.

39 *Delegation of powers of District Judge.*—The District Judge leaving the headquarters and proceeding on duty to any place within the District, may delegate to the Additional District Judge, if any, or where there is no such Additional District Judge, to a Subordinate Judge at the headquarters, the power of performing such duties enumerated in paragraph 38 as may be emergent; and such officer shall be designated as the Additional District Judge or the Subordinate Judge, as the case may be, in charge of the headquarters.

40. *Temporary vacancy of office of Subordinate Judge.*—In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the Civil District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court, but in every such case the registers and records of the two Courts shall be kept distinct.

41. *Continuance of powers of officers.*—Whenever any person holding an office in the service of the Government of Bilaspur who had been invested with any powers under this Order throughout any local area is transferred or posted to an equal or higher office of the same nature within a like local area, he shall, unless the Chief Commissioner otherwise directs, or has otherwise directed, exercise the same powers in the local area to which he is so transferred or posted.

42. *Power to make rules.*—The Court of the Judicial Commissioner may from time to time make rules consistent with this Order and any other law for the time being in force:—

- (a) for the supervision of all Courts subordinate to the Court of the Judicial Commissioner and their visitation and inspection;
- (b) for the translation of any papers filed in the Court of the Judicial Commissioner and the preparation of paper books for the hearing of appeals and the copying, typing or printing of any such papers or translations and the recovery from the persons at whose instance or on whose behalf papers are filed, of the expenses thereby incurred;
- (c) the fees to be charged for processes issued by the Civil Courts, or by any officer of any such Court and the fee payable in any suit or proceeding in any such Court by any party to such suit or proceeding in respect of the fees of the pleader of any other party to such suit or proceeding;
- (d) the manner in which the proceedings of Civil Court shall be kept and recorded, the manner in which paper books for the hearing of appeals shall be prepared and the granting of copies;
- (e) all matters relating to officers of Court;
- (f) declaring what persons shall be permitted to act as petition writers in the Courts subordinate thereto;
- (g) regulating the issue of licenses to such persons, the conduct of business by them and the scale of fees to be charged by them; and
- (h) determining the authority by which breaches of such rules shall be investigated and the penalties which may be imposed.

43. *Vacations.*—

- (1) Subject to the approval of the Chief Commissioner, the Judicial Commissioner shall prepare a list of days to be observed in each year as closed holidays in the Court of the Judicial Commissioner and the Civil Courts subordinate to that Court.
- (2) The list shall be published in the official Gazette.
- (3) A judicial act done by a civil court on a day specified in the list shall not be invalid by reason only of its having been done on that day.

44. *Pending proceedings.*—

- (1) Any proceeding, pending in a Court immediately before the commencement of this Order, shall, upon the commencement of this Order, be deemed to be transferred to the Court exercising the jurisdiction under this Order which corresponds, as far as may be, to the jurisdiction of the Court in which the proceeding was pending and the Court to which the proceeding is transferred shall proceed to try, hear and determine the matter as if it had been pending in that Court.

(2) Any appeal from a decree, sentence or order passed by a Court and not appealed against before the commencement of this Order shall lie to the Court exercising the jurisdiction under this Order which corresponds, as far as may be, to the jurisdiction of the Court to which such appeal would have been preferred if this Order had not been made.

(3) Any decree, sentence or order passed before the commencement of this Order by any Court shall be deemed for the purposes of execution to have been passed by a Court constituted by this Order which corresponds, as far as may be, to the Court which passed the decree, sentence or order, as the case may be.

Provided that nothing contained in sub-paragraph (1) or sub-paragraph (2) shall be construed as extending the period of limitation to which any suit, appeal or application may be subject.

45. *Repeal.*—

- (1) Paragraph 4 of the Bilaspur State (Administration) Order, 1948, in so far as it is inconsistent with the provisions of this Order is hereby repealed.
- (2) Save as otherwise provided by this Order or any other law for the time being in force, all Civil Courts other than those specified in this Order, shall, on the commencement of this Order, cease to exist.

ORDER

New Delhi, the 8th July 1949

No. 168-J.—In exercise of the powers conferred by section 4 of the Extra Provincial Jurisdiction Act, 1947 (XLVII of 1947) and of all other powers enabling it in that behalf, the Central Government is pleased to direct that—

- (1) the notification of the Chief Commissioner, Bilaspur, No. CC/1949/41, dated 17th March 1949, investing the District and Sessions Judge, Bilaspur, with the powers of a High Court is hereby cancelled;
- (2) all cases pending at the commencement of this Order before the District and Sessions Judge, Bilaspur, in his capacity as High Court shall be transferred to the Court of the Judicial Commissioner for Bilaspur.

A. N. BHANOT-NISAR, Under Secy.

MINISTRY OF FINANCE

New Delhi, the 21st July 1949

No. F.9(39)-F.I/49.—In pursuance of sub-section (2) of section 21 of the Industrial Finance Corporation Act, 1948 (XV of 1948), the Central Government, on the recommendation of the Board of the said Corporation, is pleased to fix the rate of interest on the 3-1/4 per cent. Industrial Finance Corporation of India Bonds, 1964, to be issued by the said Corporation and maturing on the 1st day of August 1964, at the said rate of 3-1/4 per cent. per annum.

O. P. GUPTA, Dy. Secy.

MINISTRY OF FINANCE (REVENUE DIVISION)

INCOME-TAX

New Delhi, the 16th July 1949

No. 64.—It is notified for general information that the Central Government have approved the institution mentioned below for the purposes of sub-section (1) of Section 15B of the Indian Income-tax Act, 1922 (XI of 1922):—

“Bombay

307 Hindu Deen Daya Sangh,
Bombay”.

No. 65.—It is notified for general information that the Central Government have approved the institution mentioned below for the purposes of sub-section (1) of Section 15B of the Indian Income-tax Act, 1922 (XI of 1922).—

Bombay.

305. Peoples Mobile Hospitals, Bombay "

S. P. LAHIRI, Under Secy.

MINISTRY OF COMMERCE

EXPORT TRADE CONTROL

New Delhi, the 23rd July 1949

No. 91-C.W.(10)/48.—In exercise of the powers conferred by sub-section (1) of section 3 of the Imports and Exports (Control) Act, 1947 (XVIII of 1947), the Central Government is pleased to direct that the following further amendment shall be made in the Notification of the Government of India in the late Department of Commerce, No. 91-C.W.(1)/45, dated the 3rd November 1945, namely:—

In Part D of the schedule annexed to the said notification for entry (vi) of item 63 the following shall be substituted, namely:—

"Jute raw, mesta and manufactures of Jute and mesta other than carpets and webblings."

H. C. SARIN, Dy. Secy.

MINISTRY OF FOOD

New Delhi, the 23rd July 1949

No. OG.604(27)/49.—In exercise of the powers conferred by section 4 of the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the powers conferred on it by sub-section (1) of section 3 of the said Act to provide for the matters specified in sub-section (2) thereof shall, in relation to edible oils and oilseeds, sugar, gur and pulses be exercisable also by the Chief Commissioner, Andaman and Nicobar Islands, subject to the condition, that—

- (a) before making any order relating to any matter specified in clauses (a), (b), (c), (d), (f), and (g) of the said sub-section (2), the Chief Commissioner, Andaman and Nicobar Islands shall obtain the concurrence of the Central Government;
- (b) no order made in the exercise of the aforesaid powers shall have effect so as to prohibit or restrict the export, from any place in the Andaman and Nicobar Islands to any place outside India of any articles or things.

K. R. DAMLE, Joint Secy.

MINISTRY OF INDUSTRY AND SUPPLY

New Delhi, the 14th July 1949

No. I(1)-4(15)/49.—In exercise of the powers conferred by section 3 of the Essential Supplies (Temporary Powers) Act, 1946 (No. XXIV of 1946), the Central Government is pleased to direct that the following amendment shall be made in the Iron and Steel (Control of Production and Distribution) Order, 1941, namely:—

In the Second Schedule annexed to the said Order, for the entry "Steel Pressure Pipes, Tubes and Fittings coated or uncoated excluding Electrical Conduit Pipes" the entry "Wrought Iron Pressure Pipes and Tubes, Steel Pressure Pipes and Tubes, Wrought Iron Fittings, Malleable Iron Fittings and Steel Fittings, coated or uncoated, excluding Electrical Conduit Pipes" shall be substituted.

C. R. NATESAN, Dy. Secy.

New Delhi, the 19th July 1949

No. 278.—In exercise of the powers conferred by clause 4 of the Colliery Control Order, 1945, as continued in force by Section 17 of the Essential Supplies (Temporary

Powers) Act, 1946 (XXIV of 1946), the Central Government is pleased to direct that the following further amendment shall be made in the notification of the Government of India in the late Department of Industries and Supplies, No. 19 dated the 9th January, 1946, namely:—

In the said notification, to the entries in the table under the heading "V-Collieries in Assam," the following entry shall be added, namely:—

"Bemalapur Colliery—Run of Mine—Rs. 27/8"

A. NANU, Asstt. Secy.

Bombay, the 23rd July 1949

No. 15-Tex.1/49.—*Corrigendum.*—In the Ministry of Industry and Supply Notification No. 15-Tex.1/49(i) dated the 2nd July, 1949, published at Page 894 of the *Gazette of India* dated the 2nd July 1949 in proviso (ii) for the words "that where the cloth or yarn is not intended for export" read "that where the cloth or yarn is intended for export."

B. K. KAUL, Joint Textile Commr.

Bombay, the 23rd July 1949

No. 15-Tex.1/49(1).—In pursuance of clause 8 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby direct that the following further amendment shall be made in the Textile Commissioner's notification No. 101/19-Tex.1/48(iv) dated the 10th September 1948, namely:—

In the combined form of application for Special Transport Permit under sub-clause (ii) of clause 8 of the said Order, and the Special Transport Permit issued thereunder.

For the words.

"This permit is valid only up to....." the following words shall be substituted:

"This permit is valid up to....., provided that where it has been registered with a Railway authority for movement but no movement has actually been effected before the above mentioned date, the permit shall continue to be valid till the movement is effected."

No. 15-Tex.1/49(II).—In pursuance of sub-clause (e) of clause 2 of the Cotton Textiles (Control of Movement) Order, 1948, I hereby authorise the Principal Officer appointed for the administration of the textile control by each Province or State except the Bombay Province or an Officer authorised by such Principal Officer in this respect to exercise on my behalf the power to issue special transport permits under clause 3(ii) of the said Order in respect of cloth or yarn which the producers are permitted to sell to buyers of their own choice in terms of the Textile Commissioner's circular letters No. CYC-2/DISTN(M) dated the 20th June, 1949, and No. CYC-10/3 dated 4th July 1949 respectively.

No. 9(9)-Tex.1/49.—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948, and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(i) dated the 27th April, 1948, namely:—

In column 1 of the table appended to the said Notification for sub-entry (ii) of entry No. 2 the following shall be substituted, namely:—

"(i) The Director of Controlled Commodities, Madras."

No. 9(9)-Tex.1/49(1).—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948 and with the sanction of the Central Government, I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(ii) dated the 27th April, 1948, namely:—

In column 2 of the table appended to the said Notification for sub-entry (ii) of entry No. 2 the following shall be substituted, namely:—

"(ii) The Director of Controlled Commodities, Madras."

No. 9(9)-Tex.1/49(ii).—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948 and with the sanction of the Central Government I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(v) dated the 27th April, 1948, namely:—

In column 1 of the table appended to the said Notification, for sub-entry (ii) of entry No. 6 the following shall be substituted, namely:—

“The Director of Controlled Commodities, Madras.”

No. 9(9)-Tex.1/49(iii).—In exercise of the powers conferred upon me by clause 34 of the Cotton Textiles (Control) Order, 1948 and with the sanction of the Central Government I hereby direct that the following further amendment shall be made in the Textile Commissioner's Notification No. 80-Tex.1/48(vi) dated the 27th April, 1948, namely:—

In column 1 of the table appended to the said Notification for sub-entry (u) of entry No. 2, the following shall be substituted, namely:—

“(ii) The Director of Controlled Commodities, Madras.”

T. P. BARAT, Textile Commr.

MINISTRY OF AGRICULTURE

New Delhi, the 14th July 1949

No. F. 40-7/49-Comm.—In pursuance of the provisions of sub-section (g) of section 4 of the Indian Oilseeds Committee Act (IX of 1946) the Government of Madras have nominated Shri Maddi Sudarsanam M.L.C., Guntur and Shri Pidathala Ranga Reddy, Member, All India Congress Committee, Giddalur, Kurnool District, *vice* Shri P. L. Narasimha Raju, M.C.A., and Shri B. V. Subba Reddy, B.A.B.L., Pleader as members of the Indian Oilseeds Committee to represent the growers' interests.

No. F. 40-7/49-Comm.—In pursuance of the provisions of sub-section (g) of section 4 of the Indian Oilseeds Committee Act (IX of 1946) the Government of Madras have renominated Shri V. K. Palaniswami Gounder, Agriculturist Vettaikkaranpudur post, Pollachi, Coimbatore District, as a member of the Indian Oilseeds Committee to represent the growers' interests.

New Delhi, the 18th July 1949

No. F. 46-47/48-Crops.—In pursuance of the provision of Rule I (28-29) of the Rules and Regulations of the Indian Central Tobacco Committee, the Central Government is pleased to nominate Shri O. S. Bhagat, M.L.A., Parliamentary Secretary, (C.P.) and Shri Gintupalli Suryanarayana, President, the Guntur Tobacco Growers Co-operative Society Ltd., Ongole, Guntur District (Madras), as members of the Indian Central Tobacco Committee to represent the co-operative movement in North and South India, respectively

No. F. 37-1/49-Comm.—Under Rule 1 of the Rules and Regulations of the Indian Central Sugar Cane Committee, the Central Government are pleased to nominate the following persons as members on the Indian Central Sugarcane Committee to represent the interests indicated against each:—

Name	Interest represented	Clause of Rule I
1. Sjt. Bimal Chandra Phulan, B.Sc., B.L., P.O. Dibrugarh, Assam <i>vice</i> Shri R. S. Kiledar.	Agricultural	(36)—(43)
2. Shri Jagdish Saran Agarwal, General Secretary, United Provinces Khandasari and Rab Manufacturers Association, Alamgirganj, Bareilly, U. P.	Gur and Khandasari (U.P.)	(28)—(35)

Name	Interest represented	Clause of Rule I
3. K. S. Sheikh Nasir-ur-Rahaman Kidwai, Baragaon, District Barabanki (renominated).	Gur and Khandasari (U.P.)	(28)—(35)
4. Shri Koshu Gupta, M.L.A., District Muzaffarnagar, U. P.	Do.	Do.
5. Swami Sahajannand Saraswati, District Patna, Bihar.	Gur and Khandasari (Bihar)	Do.
6. Shri Kalika Prasad Roy of Dumraon, District Shahabad, Bihar.	Do.	Do.
7. Shri R. Devaraja Reddy, Pallalakuppam, P.O. Mailpatti, North Arcot District, Madras (renominated).	Gur and Khandasari (Madras).	Do.
8. Dr. Negannu Gowd, Hospet, Bellary District, Madras.	Do.	Do.

New Delhi the 19th July 1949

No. F. 43-6/49-Comm.—The following Officers have been nominated as *ex-Officio* members of the Indian Central Arecanut Committee constituted under the Government of India, Ministry of Agriculture, Resolution No. F. 43-11/48-Comm, dated the 21st May 1949:—

S. No.	Name of member	Clause of para. 3 under which nominated
1.	The Hon'ble Minister for Agriculture, Government of India. (President).	(i)
2.	Agricultural Commissioner to the Government of India.	(ii)
3.	Agricultural Marketing Adviser to the Government of India.	(iii)

S. R. MAINI, Dy Secy

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 13th July 1949

No. D.4068/48-A.2.—The headquarters of the Excavations' Branch of the Department of Archaeology has been changed from Simla to New Delhi with effect from 8th April 1949

P. N. KIRPAL, Dy. Secy.

MINISTRY OF RAILWAYS (Railway Board)

New Delhi, the 19th July 1949

No. 952-TG.—In exercise of the powers conferred by the notification of the Government of India in the late Department of Commerce and Industry No. 801, dated the 24th March 1905, and in pursuance of sub-section (3) of section 47 of the Indian Railways Act, 1890 (IX of 1890), the Railway Board sanction the making of the following amendment, by the Saurashtra Railway, under clauses (f) and (g) of sub-section (1) of the said section, in the rules published with the notification of the Government of India in the Ministry of Railways No. 952-TG dated the 20th April, 1949 namely:—

For rule 4 of the said rules under the heading “WHARFAGE ON GOODS AVAILABLE FOR DELIVERY” the following shall be substituted namely:—

“4. A wharfage charge of six pies per maund or part of a maund shall be levied for all goods not removed from the Railway premises within 48 hours from midnight of the day on which they are available for delivery, irrespective of whether the invoice has been received or not.”

S. S. RAMASUBBAN, Secy.

MINISTRY OF TRANSPORT*New Delhi, the 15th July 1949*

No. 103-E(5)/49.—In pursuance of section 3 of the Railways (Transport of Goods) Act, 1947 (XII of 1947), the Central Government is pleased to direct that the following amendment shall be made in the notification of the Government of India in the Ministry of Transport No. 103-E(5)/49, dated the 28th March, 1949, namely:—

In the said notification, after entry 10 the following entry shall be added, namely:—

"11. Deputy Chief Transportation Superintendent, Assam Railway, Ponda"

S. CHAKRAVARTI, Dy. Secy.

PORTS*New Delhi, the 16th July 1949*

No. 9-P(22)/49.—In exercise of the powers conferred by section 18 of the Calcutta Port Act, 1890, (Bengal Act No. III of 1890), the Central Government is pleased to authorise the Commissioners for the Port of Calcutta to raise a debenture loan of Rs. 100 (one hundred) lakhs in the open market during the month of August 1949. The loan will be repayable on the 15th August 1959

TOPAN LAL, Dy. Secy.

MINISTRY OF COMMUNICATIONS**POSTS AND TELEGRAPHS***New Delhi, the 13th July 1949*

No. C-167/48.—In exercise of the powers conferred by the Indian Post Office Act, 1898 (VI of 1898), the Central Government is pleased to direct that the following further amendment shall be made in the Indian Post Office Rules, 1933, namely:—

To clause (c) of sub-rule (1) of Rule 30 of the said Rules the following proviso shall be added namely:—

"Provided that whatever means are employed to secure copies of the newspaper while in course of transmission by post, the registration marks referred to in clause (c) must be clearly visible without removing the wrapper or envelope".

V. K. R. MENON, Secy.

MINISTRY OF INFORMATION AND BROADCASTING*New Delhi, the 13th July 1949*

No. 46/1/49-F.—The Central Government is pleased to approve all periodical issues of the news films in English and all their versions in Indian languages entitled "Indian News Review" produced and released by the Films Division for the purpose of the condition in the license issued under the Cinematograph Act, 1918 (II of 1918), stipulating the exhibition of approved films by cinemas.

NAGENDRA SINGH, Dy. Secy.

MINISTRY OF WORKS, MINES AND POWER*New Delhi, the 16th July 1949*

No. EL-II-151(7).—(Corrigendum.—In the Ministry of Works, Mines and Power Resolution No. EL-II-151(7), dated the 30th May 1949, published at page 716 of the *Gazette of India*, Part I, Section 1,—

Against No. 5 in para 2, for "Deputy Chief Engineer (Mtee.), Posts and Telegraphs Directorate," read "Director of Telegraphs (E), Posts and Telegraphs Directorate, Development Branch."

S. NEELAKANTAM, Dy. Secy.

MINISTRY OF LABOUR*New Delhi, the 15th July 1949*

No. Fac. 52(5).—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24, of the Payment of Wages Act, 1936 (IV of 1936), the Central Government is pleased to make the following rules, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

1. *Title and Application.*—(1) These rules may be called the Payment of Wages (Coal Mines) Rules, 1949.

(2) These rules apply in respect of the payment of wages to persons employed in any coal mine either by

the owner of the coal mine or by a contractor engaged by the owner.

2. *Definitions.*—In these rules unless there is anything repugnant in the subject or context,—

- (a) "Act" means the Payment of Wages Act, 1936 (IV of 1936);
- (b) "Authority" means the Authority appointed under sub-section (1) of section 15 of the Act;
- (c) "Court" means the court mentioned in sub-section (1) of section 17 of the Act;
- (d) "deduction for breach of contract" means a deduction made in accordance with the provisions of the proviso to sub-section (2) of section 9;
- (e) "deduction for damage or loss" means a deduction made in accordance with the provisions of clause (c) of sub-section (2) of section 7;
- (f) "coal mine" means any excavation where any operation for the purpose of searching for or obtaining coal has been or is being carried on, and includes all works, machinery, tramways and sidings, whether above or below ground, in or adjacent to or belonging to a coal mine, provided that it shall not include any part of such premises on which a manufacturing process is being carried on unless such process is a process for the making of coke;
- (g) "Form" means a Form appended to these rules;
- (h) "Inspector" means an inspector authorised by or under section 14 of the Act;
- (i) "person employed" does not include any person to the payment of whose wages the Act does not apply;
- (j) "Section" means a section of the Act;
- (k) "paymaster" means the employer or other person or persons who may be nominated as such by the employer under clause (b) of section 3 and includes a contractor;
- (l) "employer" means the owner of the coal mine and includes the manager or any other person responsible under section 3 of the Act for the payment of wages, and a contractor;
- (m) "contractor" means a person engaged under a contract by the owner of the coal mine for work on the coal mine and includes a sub-contractor;
- (n) words and expressions defined in the Act shall have the same meaning as in the Act.

3. *Register of Fines.*—(1) In any coal mine where the employer has obtained approval under sub-section (1) of section 8 to a list of acts and omissions in respect of which fines may be imposed, the paymaster shall maintain a Register of Fines in Form I.

(2) At the beginning of the Register of Fines, there shall be entered serially numbered the approved purpose or purposes on which the fines realised are to be expended.

(3) When any disbursements are made from the fines realised, a deduct entry of the amount so expended shall be made in the Register of Fines, and a voucher or receipt in respect of the amount shall be affixed to the Register. If more than one purpose has been approved, the entry of the disbursement shall also indicate the purpose for which it is made.

4. *Register of deductions for damage or loss.*—In every coal mine in which deductions for damage or loss are made, the paymaster shall maintain the Register required by sub-section (2) of section 10, in Form II.

5. *Register of Wages.*—A Register of Wages shall be maintained by every employer in Form III.

6. *Maintenance of Registers.*—(1) A register required to be maintained by rule 3, 4, or 5 shall be preserved for a period of three years commencing from the date of the last entry made therein.

(2) Every such register shall normally be maintained in English, but where it is maintained in any language other than English, a true translation thereof in English shall be available.

7. *Places for displaying notices.*—The Inspector shall specify such place or places in the coal mine as he thinks fit (hereinafter referred to as the "Specified place or places") for the display of notices, lists and rules under rules 8, 12 and 16.

8. *Notice of dates of payment.*—The paymaster shall display in a conspicuous place at or near the main entrance of the work place or places at the coal mine and at the specified place or places, a notice in English and in the language of the majority of the persons employed at such place or places showing (i) for not less than two months in advance the days on which wages are to be paid and (ii) the rates of wages and scales of allowances payable to persons employed in the coal mine concerned.

9. *Prescribed authority.*—The Inspector shall be the prescribed authority competent to approve, under sub-section (1) of section 8, acts and omissions in respect of which fines may be imposed and, under sub-section (8) of section 8, the purposes to which the fines realised may be applied.

10. *Application in respect of fines.*—Every employer requiring the power to impose fines in respect of any acts and omissions on the part of employed persons shall send to the Inspector—

- (a) a list, in English, in duplicate, clearly defining such acts and omissions;
- (b) in cases where the employer himself does not intend to be the sole authority empowered to impose fines, a list, in duplicate, showing by virtue of office or otherwise, such members of his staff as may pass orders imposing fines and the class of establishment on which any such member may impose a fine.

11. *Approval of list of acts and omissions.*—The Inspector may, on receipt of the list prescribed by clause (a) of rule 10, and after such enquiry as he considers necessary, pass orders in respect of the said list, either—

- (a) disapproving the list, or
- (b) approving the list in its original form or as amended by him, in which case such list shall be deemed to have been approved under sub-section (1) of section 8:

Provided that no order disapproving or amending the list shall be passed unless the employer shall have been given an opportunity of showing cause in writing against such order.

12. *Posting of list.*—The employer shall display at or near the main entrance of the work place or places at the coal mine and at the specified place or places, a copy in English, together with a literal translation thereof, in the language of the majority of the persons employed at such coal mine or place, of the list approved under rule 11.

13. *Persons authorised to impose fines.*—(1) No fine may be imposed upon a person employed in a coal mine by any person other than the employer or by a person included in the list referred to in sub-rule (b) of rule 10.

(2) In the case of persons employed by a contractor, no fine may be imposed by any person other than the contractor:

Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the Inspector, delegate his power to fine to his representative in that locality.

14. *Procedure in imposing fines and deductions.*—(1) No fine shall be imposed on and no deductions shall be made from the wages of any person employed in a coal mine except in accordance with the procedure laid down in the rules and regulations in force in the mine, and no fine shall be imposed or deduction made from the wages until the employed person has been given an opportunity of showing cause against such imposition or deduction.

(2) No fine shall be imposed on and no deduction for damage or loss shall be made from the wages of a person employed by a contractor until the person authorised to impose the fine or make the deductions has explained personally to the said person the act or omission, or damage or loss in respect of which the fine or deduction

is proposed to be imposed or made and the amount of the fine or deduction, which it is proposed to impose or make and has heard his explanation in the presence of at least one other person.

15. *Information to the paymaster.*—The person imposing a fine or directing the making of a deduction for damage or loss shall (unless such person is the paymaster) at once inform the paymaster of all particulars necessary for the completion of the register prescribed by rule 8 or rule 4, as the case may be.

16. *Deductions under the proviso to sub-section (2) of section 9.*—(1) No deduction under the proviso to sub-section (2) of section 9 of the Act shall be made from the wages of an employed person who is under the age of fifteen years or is a woman.

(2) No such deduction shall be made from the wages of any employed person unless—

- (a) there is a provision in writing in the terms of the contract of employment requiring him to give notice of the termination of his employment; and
- (i) the period of the notice does not exceed fifteen days or the wage period, whichever is less; and
- (ii) the period of the notice does not exceed the period of notice which the employer is required to give of the termination of the employment;
- (b) This rule has been displayed in English and in the language of the majority of the employed persons at or near the main entrance of the work place or places at the coal mine, and at the specified place or places concerned, and has been so displayed for not less than one month before the commencement of the absence in respect of which the deduction is made;
- (c) at least one week before such deduction is made, a notice has been displayed at or near the main entrance of the work place or places at the coal mine, and at the specified place or places concerned, giving the names of the persons from whom deduction is proposed to be made, the number of days' wages to be deducted and the conditions (if any) on which the deduction will be remitted:

Provided that where the deduction is proposed to be made from all the persons employed in any department or section of the coal mine, it shall be sufficient, in lieu of giving the names of the persons in such department or section of the coal mine, to specify the department or section affected.

(3) No such deduction shall exceed the wages of the person employed for the period by which the notice of termination of service given falls short of the period of such notice required by the contract of employment.

(4) If any conditions have been specified in the notice displayed under clause (c) of sub-rule (2), no such deduction shall be made from any person who has complied with such conditions.

17. *Measurement of the amount of work done by piece workers.*—In the case of piece-workers, the surveyor who measures the work for such workers, shall at the time of measurement, hand over to the miners a statement in writing containing the measurement figures immediately after taking the measurements in the presence of the workers concerned. A record of measurement shall also be maintained in a measurement book of permanent nature and at the close of the wage period a list of measurements shall be written up under the signature or thumb impression of the workers and a copy thereof shall be given to the workers also. In case of disputes regarding measurements the surveyor shall, as far as possible, settle the dispute on the spot.

18. *Annual Return.*—Every employer shall send a return in Form IV so as to reach the Inspector not later than the 15th of May following the end of the year to which it relates.

19. *Advances to persons employed by a Contractor.*—

(1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months' wages of the employed person. In exceptional

22. *Penalties*.—Any breach of Rule 3, 4, 5, 6, 8, 12, 15 or 18 of these rules shall be punishable with fine which may extend to two hundred rupees.

Coal Mines.....

[illegible]

Coal Mine.....

[illegible]

FORM III

REGISTER OF WAGES

All entries to be made in English.

Entries are to be made against each individual worker, and not for a gang of workmen.
Entries for each category of workers to be made separately.

Number		Names*	Occupation	Days worked† No. of units worked S: M: T: W: Th: F: S: 1,2,3,...,28,29,30,31,†	Total	Rate of basic wages	Basic Wages	
Serial	Identification Account number allotted by the Coal Mines provident fund Commissioner						Ordinary	Special
1	2	3	4	5	6	7	8	9

Lead and Lift	Dearness allowance		Other cash payments	Total amount earned	Workmen's contribution to provident fund	Employers' contribution to provident fund	Total deduction made	Net amount payable	Signature or thumb impression or remarks§
10	11	12	13	14	15	16	17	18	19

*In the case of time-rated workers only attendance or absence should be marked.
†In the case of piece workers the number of units worked should be entered specifying the unit of work. Example: Tubs or Khudis or Gades of coal raised or loaded with its equivalent capacity.
‡ In the case of monthly paid workers.
§If the thumb impression is not taken the signature of the person supervising the payment should be taken.

FORM IV

DEDUCTIONS FROM WAGES

Return for the year ending 31st March 194 .

1. Name of Coal Mine and postal address.
2. Total number* of persons employed. {Men
Women
3. Total wages paid. {Men
Women
4. Number of cases and amounts realised as

	No. of cases	Amount
		Rs.
(a) Fine.....		
(b) Deductions for damage or loss		
(c) Deductions for breach of contract.....		

5. Disbursements from fine fund---

	Amount	Purpose
	Rs.	

*The total number of persons employed means the average daily number of persons employed obtained by dividing the aggregate number of attendances during the year by the number of working days.

Signature

Designation

Dated

194

FORM V

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS

Name of Contractor.....

S. No	Name	Father's Name	Occupation	Monthly wages	Date and amount of advance made	Purpose (s) for which advance made	Number of instalments by which advance to be repaid	Postponements granted	Date on which total amount repaid	Signature or thumb impression of the worker or remarks
1	2	3	4	5	6	7	8	9	10	11

FORM VI

ABSTRACT OF THE PAYMENT OF WAGES ACT, 1936, AND THE RULES MADE THEREUNDER

Whom the Act affects

The Act applies to the payment of wages to persons employed in Coal Mines receiving less than Rs. 200 a month.

No employed person can give up by contract or agreement his rights under the Act.

Definition of wages

3. Wages means all remuneration payable to an employed person on the fulfilment of his contract of employment.

It includes bonus and any sum payable for want of a proper notice of discharge.

It excludes —

- the value of house-accommodation, supply of light, water, medical attendance, or other amenity or of any service excluded by the Central Government;
- the employer's contribution to a pension or provident fund;
- travelling allowance or concession or other special expenses entailed by the employment;
- any gratuity payable on discharge.

Responsibility for and method of payment

1. The employer is responsible for the payment under the Act of wages to persons employed under him, and any contractor employing persons is responsible for payment to the persons he employs.

3. Wage-periods shall be fixed for the payment of wages at intervals not exceeding one month.

6. Wages shall be paid on a working day within 7 days of the end of the wage-period (or within 10 days if 1,000 or more persons are employed).

The wages of a person discharged shall be paid not later than the second working day after his discharge.

7. Payments in kind are prohibited.

Fines and deductions

8. No deductions shall be made from wages except those authorised under the Act (see paragraphs 9—15 below).

9. Fines can be imposed only for such acts and omissions as the employer may, with the previous approval of the Inspector, specify by a notice displayed at or near the main entrance of the work place or places at the coal mine and after giving the employed person an opportunity for explanation.

10. (a) Deductions for absence from duty can be made only on account of the absence of the employed person at times when he should be working and such deductions must not exceed an amount which is in the same proportion to his wages for the wage-period, as the time he was absent in that period is to the total time he should have been at work.

(b) If ten or more employed persons, acting in concert, absent themselves without reasonable cause and without due notice, the deduction for absence can include wages for eight days in lieu of notice, but—

- no deduction for breaking a contract can be made from a person under 15 or a woman;
- there must be a provision in writing which forms part of the contract of employment, requiring that a specific period of notice of intention to cease work not exceeding 15 days or the period of notice which the employer has to give to discharge a worker, must be given to the employer and that wages may be deducted in lieu of such notice;
- the above provision must be displayed at or near the main entrance of the work place or places at the coal mine or work place;
- no deduction of this nature can be made until a week's notice that this deduction is to be made has been posted at or near the main entrance of the work place or places at the coal mine or work place;
- no deduction must exceed the wages of the employed person for the period by which the notice he gives of leaving employment is less than the notice he should have given under his contract.

11. Deductions can be made for damage to or loss of goods expressly entrusted to an employed person or for loss of money for which he is required to account, where such damage or loss is due to his neglect or default.

Such deduction cannot exceed the amount of the damage or loss caused and can be made only after giving the employed person an opportunity for explanation.

12. Deductions can be made, equivalent to the value thereof, for house accommodation, amenities, or services (other than tools and raw material) supplied by the employer provided these are accepted by the employed person as a part of the terms of his employment and have in the case of amenities and services been authorised by order of the Central Government.

13. (a) Deductions can be made for the recovery of advances, or for adjustment of overpayment of wages.

(b) Advances made before the employment began can only be recovered from the first payment of wages for a complete wage-period but no recovery can be made of advances given for travelling expenses before employment began.

(c) Advances of unearned wages can be made at the paymaster's discretion during employment.

14. Deduction can be made for subscription to and for repayment of advances from any recognised provident fund.

15. Deductions can be made for payments to co-operative societies approved by the Central Government or to the postal insurance, subject to any conditions imposed by the Central Government.

Inspections

16. An Inspector can enter on any premises and can exercise powers of inspection (including examination of documents and taking of evidence) as he may deem necessary for carrying out the purposes of the Act.

Complaints of deductions or delays

17. (a) Where irregular deductions are made from wages, or delays in payment take place, an employed person can make an application in the prescribed form within 6 months to the Authority appointed by the Provincial Government for the purpose. An application delayed beyond this period may be rejected unless sufficient cause for the delay is shown.

(b) Any legal practitioner, official of a registered trade union, Inspector under the Act, or other person acting with the permission of the Authority can make the complaint on behalf of an employed person.

(c) A single application may be presented by, or on behalf of, any number of persons belonging to the same coal mine the payment of whose wages has been delayed.

Action by the Authority

18. The Authority may award compensation to the employed person in addition to ordering the payment of delayed wages or the refund of illegal deductions.

If a malicious or vexatious complaint is made, the Authority may impose a penalty not exceeding Rs. 50 on the applicant and order that it be paid to the employer.

Appeal against the Authority

19. An appeal in the prescribed form against a direction made by the Authority may be preferred within 30 days in Calcutta to the Court of Small Causes and elsewhere to the District Court—

- (a) by the employer if the total amount directed to be paid exceeds Rs. 300;
- (b) by an employed person, if the total amount of wages withheld from him or his co-workers, exceeds Rs. 50;
- (c) by a person directed to pay a penalty for a malicious or vexatious application.

Punishments for breaches of the Act

20. Anyone delaying the payment of wages beyond the due date, or making any unauthorised deduction from wages is liable to a fine upto Rs. 500, but only if prosecuted with the sanction of the Authority or the appellate Court.

21. The Employer who,—

- (1) does not fix a wage-period, or
- (2) makes payment in kind, or
- (3) fails to display at or near the main entrance of the work place or places at the coal mine or work place this Abstract in English and in the language of the majority of the employed persons, or

- (4) breaks certain rules made under the Act, is liable to a fine not exceeding Rs. 200.

A complaint to this effect can be made only by the Inspector or with his sanction.

RESOLUTION

New Delhi, the 13th July 1949

No. LR-86(9)I.—The following changes are announced in the list of members of the Central Advisory Council of Labour published in the Resolution of the Government of India in the Ministry of Labour No. L. R. 86(9), dated the 29th September 1948.—

- (1) Mr. Q. Huda, Secretary to the Government of Bihar, Labour Department *vice* Mr. S. R. Bose, Deputy Labour Commissioner.
- (2) Mr. Deoshankar Badheka, Deputy Secretary, Labour Department, United State of Saurashtra, *vice* Mr. Ghanshyam C. Oza.
- (3) The Honourable Mr. S. Gokhale, Minister of Labour, Madhya Bharat *vice* Mr. V. V. David.
- (4) Under "States—, Observers", delete entry No. 5 relating to Mysore State.
- (5) Mr. A. D. Shroff, Bombay *vice* His Excellency Mr. Homi Mody.
- (6) Mr. A. L. Cameron, Calcutta *vice* Mr. A. J. Elkins, Calcutta.
- (7) Mr. G. M. Modi, Modinagar, of the All-India Manufacturers' Organisation nominated as an alternate representative of employers.
- (8) Mr. Harihar Nath Shastri, New Delhi, *vice* Dr. Suresh Chandra Banerjee, Calcutta.
- (9) Under "Workers' representatives"—
 - (a) the following names shall be substituted for those appearing against the Indian Federation of Labour and Hind Mazdoor Panchayat:—
Mr. Asoka Mehta.
Mr. Shibnath Banerjee.
Mr. V. B. Karnik.
 - (b) for the entry "Indian Federation of Labour" the entry "Hind Mazdoor Sabha" shall be substituted.
 - (c) the entry "Hind Mazdoor Panchayat" shall be deleted.

ORDER

ORDERED that a copy of the above Resolution be communicated to all Provincial Governments and Administrations, States Unions, all Ministries of the Government of India, Cabinet Secretariat and the Prime Minister's Secretariat.

ORDERED also that it be published in the *Gazette of India*.

H. KHANNA, Dy Secy.